IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND SEVEN

PRESENT

The Hon'ble Sri Justice N.V.Ramana

Writ Petition No.26080 of 2006

Between:

Smt.Sunka Swaroopa

.....
PETITIONER

AND

1.The Government of Andhra Pradesh, rep. by its Principal Secretary, Women Development and Child Welfare & Disabled Welfare (Estt) Department, Secretariat, Hyderabad and 2 others.

.....RESPONDENTS

The Hon'ble Sri Justice N.V.Ramana

Writ Petition No.26080 of 2006

Order:

This Writ Petition is filed seeking a declaration that G.O.Ms.No.23 dated 04-08-2001 issued by the first respondent, Memo No.5334/C3/06, dated 14-11-2006 issued by the second respondent, and Memo No.A/169/06 dated 08-12-2006 issued by

the third respondent are illegal and arbitrary and consequently to direct the respondents not to interfere with the petitioner's functions and duties either as ZPTC Member or Anganwadi Worker.

The petitioner was appointed as Anganwadi worker in Anganwadi Center at Manakondur Village, Karimnagar District, on 30-07-2002 on a monthly honorarium of Rs.400/-, which was later enhanced to Rs.1200/-. Thereafter, on a representation made by the Anganwadi Workers Association, the Government issued G.O.Ms.No.7 dated 07-03-1996, and in Clause (ii), permission was granted to the Anganwadi workers to hold any elected post like Sarpanch etc. Subsequently, the petitioner contested in the elections and was elected as ZPTC Member, Manakondur Village. While so, the Government issued G.O.Ms.No.23 dated 04-08-2001 withdrawing the benefit granted to the Anganwadi workers under Clause (ii) of G.O.Ms.No.7, dated 07-03-1996. Pursuant to the same, the respondents issued notices to the petitioner asking her to choose any one post and tender resignation to the other one. Aggrieved thereby, this Writ Petition has been filed.

It is contended by the learned Counsel for the petitioner that the Government issued G.O.Ms.No.7 dated 07-03-1996 only after considering the representation made by the Anganwadi Workers Association to the effect that the post of Angawadi workers is not a full time job and the honorarium of Rs.1200/- per month paid to them is insufficient. Therefore, the

amendment made to G.O.Ms.No.7 dated 07-03-1996 by issuing G.O.Ms.No.23 dated 04-08-2001 is illegal and arbitrary, and the petitioner is entitled to continue as ZPTC Member as well.

Counter affidavit has been filed on behalf of the respondents denying the averments made in the Writ Petition. In the Counter affidavit, it is stated that although the Government issued G.O.Ms.No.7 in 1996 stating that Anganwadi Workers are entitled to hold any elected post like Sarpanch, MPTC
Member etc, but, later it examined the matter in terms of
Section 18 of the A.P.Panchayat Raj Act, which prohibits the employees of State or Central Government, or local bodies or employees of the Institutions receiving Aid or funds from the Government; from contesting to the offices in the Panchayat Raj Institutions, and issued GO.Ms.No.23 dated 04-08-2001 amending GO.Ms.No.7 dated 07-03-1996 by deleting Anganwadi workers from its purview and the respondents have implemented the orders of the Government.

It is submitted by the learned Government Pleader for Welfare Development that this Court in Writ Petition No.5537 of 2007, filed by one Bhukya Lakshmi Bai, challenging the amendment to G.O.Ms.No.7 dated 07-03-1996, by issuing G.O.Ms.No.23 dated 04-08-2007 and the consequent memos, considered the very same issue and dismissed it on

02-04-2007, however, granted fifteen days time to the petitioner therein to exercise her option either to continue as Anganwadi worker or as Sarpanch/Member of the Gram Panchayat.

Heard the learned Counsel for the parties. Both the learned Counsel conceded that the issue raised in this Writ Petition is squarely covered by the order dated 02-04-2007 passed by this Court in W.P.No.5537 of 2007.

In the circumstances, following the orders of this Court in W.P.No.5537 of 2007 dated 02-04-2007, this Writ Petition is also dismissed, directing the petitioner to exercise her option within a period of fifteen days from today either to continue as Anganwadi worker or as ZPTC Member. No costs.

_____

N.V. RAMANA, J.

Date: 28th November,
2007. **LUR**

This Writ Petition is filed questioning the proceedings in Memo No.150/A/2006, dated 20-11-2006 issued by the first respondent-Child Development Project Officer, Kapileswarapuram, directing the petitioner to decide whether to continue as anganwadi worker or as Sarpanch of the village and tender resignation to one post within seven days from the date of its receipt.

It is contended by the learned Counsel for the petitioners that because the post they are holding is ---------- post, they are entitled to continue in the said post.

Counter affidavit and additional counter affidavit are filed on behalf of the respondents denying the allegations levelled in the Writ Petition. It is conceded by the learned Counsel for the parties that this Court considered the same issue in Writ Petition No.5537 of 2007, filed by one Bhukya Lakshmi Bai, challenging the amendment to G.O.Ms.No.23 dated 04-08-2007 and the consequent memos, and dismissed the same on 02-04-2007, however, granting fifteen days time to the petitioner therein to exercise option either to continue as Anganwadi worker or Sarpanch/Member of the Gram Panchayat.

In view of the same, this Writ Petition is also dismissed directing the petitioners to exercise their option within a period of fifteen days from today either to continue as Anganwadi worker or as Sarpanch of the Gram Panchayat.